

EXHIBIT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**SHINSHO AMERICAN
CORPORATION**

PLAINTIFF,

VS.

HYQUALITY ALLOYS, LLC

DEFENDANT.

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CIVIL ACTION NO. 4:20-cv-00577

JURY DEMANDED

DECLARATION OF JASON FOWLER

STATE OF ILLINOIS §
DUPAGE COUNTY §

I, Jason Fowler, declare as follows under penalty of perjury:

“My name is Jason Fowler. I am over the age of eighteen (18), of sound mind, and duly authorized and competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

1. “I am the owner of Defendant HyQuality Alloys, LLC (“HyQuality”). As such, I have personal knowledge of HyQuality’s business, including its sales, pricing, customers, and operations.

2. Under the Agreed Preliminary Injunction, Shinsho has to approve a pricing matrix setting the allowed “market price” for the sale of steel Shinsho claims as its own in the above-caption lawsuit. The pricing matrix was last approved on January 1, 2021 and has been in effect since then.

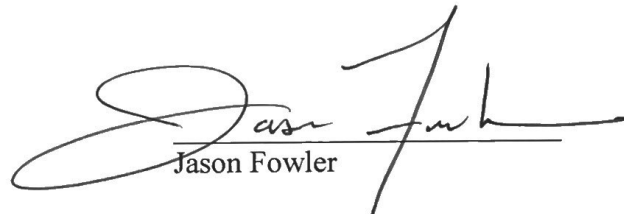
3. I have been informed by a HyQuality customer, Holbert Steel, that it had been solicited by Lowell “Tommy” Thomas (“Thomas”) with offers to sell the same size and grade of steel that HyQuality currently sells but at prices below those of in the approved pricing matrix. Thomas has apparently been engaged by Shinsho to sell those steel bars. I have also heard from other customers that Thomas has solicited them, on behalf of Shinsho, to sell the same steel bars..

4. I spoke with Holbert Steel representatives on March 18, 2021 and they confirmed quotes from Thomas for steel he is selling from Shinsho that is the same size and grade of steel that HyQuality currently sells but at prices below those of in the approved pricing matrix.

5. On the morning of March 17, 2021, one of my employees, Angela Graziano ("Graziano"), received an unsolicited email from Thomas. Upon closer inspection, Thomas used the blind carbon copy ("BCC") email function to copy Graziano in an email to a representative of JP Steel, a HyQuality customer. In that email, Thomas quoted JP Steel \$.77 cents/lb of the Sidenor 4140QT steel bars. This is the same allowed price under the current pricing matrix. I have not spoken with Thomas since he left HyQuality's employ in early 2020 and, to my knowledge, no one from HyQuality has reached out to Thomas in the last few months.

6. Upon a an incomplete and still-ongoing review of sales made by HyQuality in the last three months, I estimate that Shinsho is due approximately \$64,000.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on March 18, 2021."



Jason Fowler